

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**DONALD L. PALMER,
PETITIONER,**

-V-

**Case No. C-1-00-882
Judge Rose
Magistrate Judge Merz**

**MARGARET A. BAGLEY, WARDEN
RESPONDENT.**

**PETITIONER'S MOTION TO FILE MEMORANDUM
IN EXCESS OF TWENTY PAGES IN REGARD TO PETITIONER'S
MOTION FOR A CERTIFICATE OF aPPEALABILITY**

Petitioner respectfully requests that the Court permit him to file his motion in excess of twenty pages for the reasons set forth in the accompanying memorandum.

s/Keith A. Yeazel

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ATTORNEYS FOR PETITIONER

MEMORANDUM IN SUPPORT

Due to the necessity for Petitioner to specify in detail the basis of his Objections to the Report and Recommendation concerning the Motion for a Certificate of Appealability Petitioner's document exceeds the 20-page limit set forth by the Court's rules. See S.D. Ohio Civ.R. 7.2 (a) (3). In the Motion, Petitioner has included a table of contents and a summary. Even though Petitioner believes that Rule 7.2 is self-executing, he respectfully moves for permission to file his Motion in excess of 20 pages. In addition, even though Petitioner is of the opinion that this motion is not the type of motion to which other parties might reasonably be expected to give their consent, Petitioner's counsel has talked with Assistant Attorney General Anna Franceschelli and she indicated that she does not consent to the motion.

Respectfully submitted,

s/ Keith A. Yeazel

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon:

Matthew C. Hellman
Anna Franceschelli
Assistant Attorney Generals
Capital Crimes Section
30 East Broad Street, 23rd Floor
Columbus, Ohio 43215

using the Court's CM/ECF system, this 17th day of October, 2006.

s/ Keith A. Yeazel

Keith A. Yeazel